

# COMMITTEE AMENDMENT FORM

DATE: 09/30/09

COMMITTEE ZONING

PAGE NUM(S)

ORDINANCE I. D. #08-O-1142

SECTION (S)

RESOLUTION I. D. #09-R-

PARA.

**AMENDS THE LEGISLATION BY ADDING SEVEN (7) CONDITIONS, ONE OF WHICH IS A SITE PLAN RECEIVED BY THE BUREAU OF PLANNING 03/25/09.**

**AMEND DONE BY COUNCIL STAFF 9/30/09**

City Council  
Atlanta, Georgia

**08-O-1142**

AN ORDINANCE  
BY: ZONING COMMITTEE

**Z-08-38**  
Date Filed: 5-13-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **674 and 680 Drewry Street, N.E.**, be changed from the I-1 (Light Industrial)/Beltline Overlay District to the MR-3-C (Multi-family Residential-Conditional)/Beltline Overlay District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 17, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey/map.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

### **Conditions for Z-08-38 for 674-680 Drewry Street, N.E.**

- 1) Site Plan: This rezoning application is not tied to a specific site plan. None of the site plans submitted - including conceptual site plans similar to one prepared by William Stephenson (registered architect) dated February 1, 2009 and stamped "received" by the Bureau of Planning on March 25, 2009 - are intended to prohibit application of the MR-3 or Beltline Overlay District regulations. This rezoning is not conditioned on and does not imply approval of these or any other site plans. Any variances required for any site plan at this location shall be subject to all the usual processes, reviews, and approvals normally required by the City of Atlanta.
- 2) Building height: The building height shall be a maximum of 40 feet. Rooftop patio decks and or any elements associated with them - including (but not limited to) stairwell entrances and railings - shall be prohibited from being located within 10-15 feet of any eastern-facing facade of the building.
- 3) Patio decks, balconies and other similar elements: are prohibited from being placed along any eastern-facing facade of the building.
- 4) Pavers: Decorative pavers or scored concrete shall be used on the drive and parking areas.
- 5) Pervious material: Surface paving shall be at least 50% pervious material.
- 6) Private Drive: The proposed private drive from Drewry Street onto the property shall be at least 20 feet wide and shall have a sidewalk on the eastern edge. The final configuration of the sidewalk and the driveway shall be included on the plans approved for the Special Administrative Permit.
- 7) Right-of-way easement: Consistent with the intent of the Beltline Overlay District regulations encouraging connectivity, the applicant has offered to provide a 20-foot wide right-of-way easement in favor of the City which the Bureau recommends to be incorporated into these conditions. The 20-foot wide easement shall extend for the entire length of the property from the southern property line adjacent to Drewry Street to the rear northern property line. The exact location of the easement shall be determined prior to the issuance of the Special Administrative Permit. Such easement shall be by deed which shall be filed prior to issuance of the certificate of occupancy. The deed granting the easement may specify that such easement only be used as a public right-of-way when it is possible to open a connection for a new street to connect to Pylant Street. Installation of an underground detention pond and other underground utilities within the easement area shall be permitted, provided that the area can accommodate heavy vehicles without collapsing.

City Council  
Atlanta, Georgia

**08-0-1142**

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BY: ZONING COMMITTEE

**Z-08-38**  
Date Filed: 5-13-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **680 Drewry Street, N.E.**, be changed from the I-1 (Light Industrial)/Beltline Overlay District to the R-4B (Single Family Residential)/Beltline Overlay District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 17, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey/map.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**WARRANTY DEED**

**STATE OF GEORGIA  
COUNTY OF FULTON**

RECEIVED  
MAY 13 2008  
Bureau of  
Planning

Z-08-38

THIS INDENTURE made this 13th day of April, 2005 between THOMAS HAROLD FLEMING A/K/A HAROLD FLEMING of the County of FULTON, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and OAK STREET DEVELOPMENT, INC., as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH THAT: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) DOLLARS and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 17 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH SIDE OF DREWRY STREET ONE HUNDRED NINETY (190) FEET WEST FROM THE NORTHWEST CORNER OF DREWRY STREET AND PONCE DE LEON PLACE, AT THE WEST SIDE OF A TEN FOOT ALLEY; THENCE NORTH ALONG THE WEST SIDE OF SAID ALLEY ONE HUNDRED FIFTY THREE (153) FEET MORE, OR LESS, TO THE PROPERTY NOW OR FORMERLY OWNED BY MRS. FANNIE DURHAM; THENCE WESTERLY ALONG THE SOUTHERN LINE OF SAID PROPERTY SEVENTY (70) FEET TO A POINT; THENCE SOUTH PARALLEL TO SAID TEN FOOT ALLEY ONE HUNDRED SIXTY (160) FEET, MORE OR LESS, TO THE NORTH SIDE OF DREWRY STREET; THENCE EASTERLY ALONG THE NORTH SIDE OF DREWRY STREET SEVENTY (70) FEET TO THE POINT OF BEGINNING, BEING IMPROVED PROPERTY HAVING A BUILDING THEREON KNOWN AS 680 DREWRY STREET, N.E. (ALSO KNOWN AS 680 ADRIAN STREET, N.E.), ATLANTA, GEORGIA.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

Notary Public  
My commission expires:

*Thomas Harold Fleming* BY  
THOMAS HAROLD FLEMING  
A/K/A HAROLD FLEMING *For the O.S.D.*

**AS ATTORNEY IN FACT  
FOR SAID PARTY**